

# **Tatiana Sherman v. Itawamba Community College, et al.**

**Joe Lowder**

**May 3, 2023**

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Joe Lowder 5/3/2023

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

TATIANA (TANYA) SHERMAN

PLAINTIFF

V. CIVIL ACTION NO. 1:21-CV-190-GHD-DAS

ITAWAMBA COMMUNITY  
COLLEGE, JOE LOWDER, TZER  
NAN WATERS, AND DR. JAY  
ALLEN

DEFENDANTS

DEPOSITION OF JOE LOWDER

Taken at the instance of the Plaintiff via Zoom at  
Phelps Dunbar, 4270 I-55 North, Jackson,  
Mississippi 39201, on Wednesday,  
May 3, 2023,  
beginning at 12:04 p.m.

REPORTED BY:

ROBIN G. BURWELL, CCR #1651

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22 ALSO PRESENT VIA ZOOM: Tatiana Sherman

23

24

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1 JOE LOWDER,  
2 having been first duly sworn, was examined and  
3 testified as follows:

4 MR. SPARKS: I'm going to interject just  
5 briefly for the record before we begin that I have  
6 stated for counsel that my client will be  
7 asserting his Fifth Amendment privilege to any  
8 questions other than demographic. Anything  
9 substantive he is on advice of counsel asserting  
10 his Fifth Amendment, so just wanted to go ahead  
11 and get that said to start with.

12 MR. WOODRUFF: Sounds good. Everybody  
13 ready?

14 MR. SPARKS: Yes.

15 THE WITNESS: Yes.

16 EXAMINATION BY MR. WOODRUFF:

17 Q. Please state your full name for the  
18 record.

19 A. Joseph Craig Lowder.

20 Q. And what is your current home address?

21 A. 309 Park Glen Drive, Mount Juliet,  
22 Tennessee 37122.

23 Q. And your phone number?

24 A. (901)240-4060.

25 Q. Are you currently employed?

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1           A.    Yes.

2           Q.    And where do you work at?

3           A.    AbbVie.

4           Q.    I'm sorry?

5           A.    AbbVie.

6           Q.    How long have you worked there?

7           A.    Two years.

8           Q.    And what is your title or position?

9           A.    Specialty representative.

10          Q.    And where did you work before that?

11          A.    Itawamba Community College.

12          Q.    And how -- and during what period of

13   time did you work at Itawamba Community College?

14          A.    November of 2015 to May of 2021.

15          Q.    And did you leave voluntarily or

16   involuntarily?

17          A.    Voluntarily.

18          Q.    There was no threat of termination or

19   anything when you -- you just turned in your

20   resignation and moved to another position?

21                THE WITNESS:  Can I answer that, Daniel?

22                MR. SPARKS:  Yes.

23                MR. WOODRUFF:  Yeah, Daniel, how do you

24   want to have -- do you want him to pause for a

25   second to give you chance to -- how you want to do

Joe Lowder 5/3/2023

1 this?

2 MR. SPARKS: Yeah, that's fine. I'll  
3 just -- yeah, just take a breath after the  
4 question has been answered and I will step in if I  
5 need to. Thank you.

6 MR. WOODRUFF: Okay. You mean after the  
7 question's asked?

8 MR. SPARKS: That's correct.

9 MR. WOODRUFF: Okay. Sounds good.

10 Q. (By Mr. Woodruff) What is your highest  
11 level of education?

12 A. Doctorate.

13 Q. And where did you get your doctorate  
14 in -- where did you get your doctorate and what is  
15 it in?

16 A. College of William and Mary.

17 Q. In?

18 A. Educational policy planning and  
19 leadership.

20 Q. And what year did you get your  
21 doctorate?

22 A. 2015.

23 Q. What are director projects?

24 MR. SPARKS: Would assert at this point.

25 THE WITNESS: Yeah, on advice of

Joe Lowder 5/3/2023

1 counsel, I assert my Fifth Amendment privilege.

2 Q. (By Mr. Woodruff) Isn't it true in --  
3 after you -- I'm sorry. Isn't it true that  
4 director of projects are projects that are so  
5 important to the college that the director is  
6 supposed to handle those?

7 MR. SPARKS: Assert.

8 THE WITNESS: On advice of counsel, I  
9 assert my Fifth Amendment privilege.

10 Q. (By Mr. Woodruff) Isn't it true that  
11 after you became -- came to work at Itawamba  
12 Community College you assigned the five director  
13 projects to Tatiana Sherman?

14 MR. SPARKS: Assert.

15 THE WITNESS: On advice of counsel, I  
16 assert my Fifth Amendment privilege.

17 Q. (By Mr. Woodruff) In 2018, did you  
18 change Ms. Sherman's job duties to include being  
19 in charge of the MEP project?

20 MR. SPARKS: Assert.

21 THE WITNESS: On advice of counsel, I  
22 assert my Fifth Amendment privilege.

23 Q. (By Mr. Woodruff) And are you aware that  
24 at the other community college that have MEP  
25 projects that the director there is at a director



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1 level position?

2 MR. SPARKS: Objection, not within his  
3 knowledge.

4 MR. WOODRUFF: How do you know what his  
5 knowledge is, Mr. Crane{sic}?

6 MR. SPARKS: Well, you've asked him what  
7 other community colleges do.

8 MR. WOODRUFF: Well, I know, but -- you  
9 know, he can tell me it's not in his knowledge --  
10 I mean, I can't -- you can't testify for him. You  
11 can have him assert his Fifth Amendment right  
12 against self-incrimination, but you can't tell him  
13 how to answer a question.

14 THE WITNESS: On advice of counsel, I  
15 assert my Fifth Amendment privilege.

16 Q. (By Mr. Woodruff) Thank you.

17 Do you know Tatiana Sherman?

18 A. Yes.

19 Q. Other than -- well, strike that.

20 Was she -- did she work under you at  
21 Itawamba Community College?

22 MR. SPARKS: Assert.

23 THE WITNESS: On advice of counsel, I  
24 assert my Fifth Amendment privilege.

25 Q. (By Mr. Woodruff) And did you ever have

Joe Lowder 5/3/2023

1 any issues dealing with her when you worked with  
2 her at Itawamba Community College?

3 MR. SPARKS: Assert.

4 THE WITNESS: On advice of counsel, I  
5 assert my Fifth Amendment privilege.

6 Q. (By Mr. Woodruff) Have you ever looked  
7 at the job description -- at Ms -- I'm sorry,  
8 Ms. Tatiana -- Ms. Sherman's job description?

9 MR. SPARKS: Assert.

10 THE WITNESS: On advice of counsel, I  
11 assert my Fifth Amendment privilege.

12 Q. (By Mr. Woodruff) Do you know whether  
13 or not in her job description it says that one of  
14 her duties is to report illegal activity?

15 MR. SPARKS: Assert.

16 THE WITNESS: On advice of counsel, I  
17 assert my Fifth Amendment privilege.

18 Q. (By Mr. Woodruff) Does ICC have a  
19 progressive disciplinary policy?

20 MR. SPARKS: Assert.

21 THE WITNESS: On advice of counsel, I  
22 assert my Fifth Amendment privilege.

23 Q. (By Mr. Woodruff) Did you follow the  
24 progressive disciplinary policy in regards to  
25 Tatiana Sherman?

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1 MR. SPARKS: Assert.

2 THE WITNESS: On advice of counsel, I  
3 assert my Fifth Amendment privilege.

4 Q. (By Mr. Woodruff) Are you asserting  
5 that Ms. Sherman did not get along with coworkers?

6 MR. SPARKS: Assert.

7 THE WITNESS: On advice of counsel, I  
8 assert my Fifth Amendment privilege.

9 Q. (By Mr. Woodruff) Can you tell me any  
10 coworker that Ms. Sherman didn't get along with?

11 MR. SPARKS: Assert.

12 THE WITNESS: On advice of counsel, I  
13 assert my Fifth Amendment privilege.

14 Q. (By Mr. Woodruff) Did you and/or  
15 Ms. Waters instruct Emily Lawrence, Stacy Loden  
16 and Sharon Claimer(phonetic) to remove billing  
17 information and quotes from files about two days  
18 prior to the MCCB audit and hide summary sheets  
19 with billing statements --

20 MR. SPARKS: Assert.

21 Q. -- by replacing them with new summary  
22 sheets without billing statements?

23 THE WITNESS: On advice of counsel, I  
24 assert my Fifth Amendment privilege.

25 Q. (By Mr. Woodruff) Has the state auditor

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1 ever requested an audit from you concerning the  
2 investigation they did at ICC?

3 MR. SPARKS: Assert.

4 THE WITNESS: On advice of counsel, I  
5 assert my Fifth Amendment privilege.

6 Q. (By Mr. Woodruff) Did you have a car  
7 accident in the spring of 2019 where you didn't  
8 have use of your car for a period of time?

9 MR. SPARKS: Assert.

10 THE WITNESS: On advice of counsel, I  
11 assert my Fifth Amendment privilege.

12 Q. (By Mr. Woodruff) Did you take your  
13 personal car to ICC auto repair shop to have it  
14 worked on?

15 MR. SPARKS: Assert.

16 THE WITNESS: On advice of counsel, I  
17 assert my Fifth Amendment privilege.

18 Q. (By Mr. Woodruff) Do you remember how  
19 long your car stayed at the shop?

20 MR. SPARKS: Assert.

21 THE WITNESS: On advice of counsel, I  
22 assert my Fifth Amendment privilege.

23 Q. (By Mr. Woodruff) Do you recall using a  
24 ICC car to drive from work to home during a period  
25 of time where your car was in the ICC auto repair

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1 shop?

2 MR. SPARKS: Assert.

3 THE WITNESS: On advice of counsel, I  
4 assert my Fifth Amendment privilege.

5 Q. (By Mr. Woodruff) Did you pay ICC for  
6 the repairs they did to your car?

7 MR. SPARKS: Assert.

8 THE WITNESS: On advice of counsel, I  
9 assert my Fifth Amendment privilege.

10 Q. (By Mr. Woodruff) In December 2018, did  
11 you inform Ms. Sherman she was going to receive a  
12 negative performance evaluation that you needed to  
13 put in writing?

14 MR. SPARKS: Assert.

15 THE WITNESS: On advice of counsel, I  
16 assert my Fifth Amendment privilege.

17 Q. (By Mr. Woodruff) On May 8, 2019, did  
18 you give Ms. Sherman a negative review --  
19 performance review?

20 A. On advice of counsel, I assert my Fifth  
21 Amendment privilege.

22 Q. Did you -- in May 8, 2019, did you also  
23 put Ms. Sherman on a performance improvement plan?

24 MR. SPARKS: Assert.

25 THE WITNESS: On advice of counsel, I

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1        assert my Fifth Amendment privilege.

2            Q.        (By Mr. Woodruff) Are you aware that  
3        Ms. Sherman submitted her appeal in writing  
4        regarding the PIP to you?

5            MR. SPARKS: Assert.

6            THE WITNESS: On advice of counsel, I  
7        assert my Fifth Amendment privilege.

8            Q.        (By Mr. Woodruff) Are you aware that  
9        her response included a 20-page rebuttal and about  
10       100 pages of supporting documentation?

11           MR. SPARKS: Assert.

12           THE WITNESS: On advice of counsel, I  
13        assert my Fifth Amendment privilege.

14           Q.        (By Mr. Woodruff) Did you read her  
15        20-page rebuttal with 100 pages of supporting  
16        documentation?

17           MR. SPARKS: Assert.

18           THE WITNESS: On advice of counsel, I  
19        assert my Fifth Amendment privilege.

20           Q.        (By Mr. Woodruff) Do you recall meeting  
21        with Ms. Sherman and Tim Senter at the ICC Belden  
22        Center conference room on or about May 20th, 2019,  
23        and you telling Ms. Sherman that, quote, I never  
24        said you did not achieve professional goals?

25           MR. SPARKS: Assert.

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1 THE WITNESS: On advice of counsel, I  
2 assert my Fifth Amendment privilege.

3 Q. (By Mr. Woodruff) On September 15,  
4 2019, did you meet with Ms. Sherman and present  
5 her a letter that stated she was improving but  
6 extended her performance improvement plan for  
7 another six months?

8 MR. SPARKS: Assert.

9 THE WITNESS: On advice of counsel, I  
10 assert my Fifth Amendment privilege.

11 Q. (By Mr. Woodruff) In September 2019,  
12 did you tell Ms. Sherman you were giving Waters  
13 responsibility to follow up with the PIP?

14 MR. SPARKS: Assert.

15 THE WITNESS: On advice of counsel, I  
16 assert my Fifth Amendment privilege.

17 Q. (By Mr. Woodruff) Are you aware that  
18 Ms. Sherman sent a letter to you, Dr. Allen, Tim  
19 Senter and copied Ms. Waters and the State Auditor  
20 detailing illegal activity going on at ICC?

21 MR. SPARKS: Assert.

22 THE WITNESS: On advice of counsel, I  
23 assert my Fifth Amendment privilege.

24 Q. (By Mr. Woodruff) On October 10, 2019,  
25 did you meet with Mr. Water -- I'm sorry, with

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1 Mr. Senter and Ms. Sherman where she presented  
2 additional documentation to show the invalidity of  
3 the PIP and the evaluation?

4 MR. SPARKS: Assert.

5 THE WITNESS: On advice of counsel, I  
6 assert my Fifth Amendment privilege.

7 Q. (By Mr. Woodruff) In the spring of  
8 2020, Ms. Sherman was changed from a contract  
9 employee to an at-will employee. Did you have any  
10 involvement in that decision?

11 MR. SPARKS: Assert.

12 THE WITNESS: On advice of counsel, I  
13 assert my Fifth Amendment privilege.

14 Q. (By Mr. Woodruff) Did Ms. Sherman ever  
15 complain to you that the workforce training  
16 program was engaged in double billing respective  
17 to certain copies not engaged in furniture  
18 manufacturing?

19 MR. SPARKS: Assert.

20 THE WITNESS: On advice of counsel, I  
21 assert my Fifth Amendment privilege.

22 Q. (By Mr. Woodruff) Did you, in  
23 response -- I'm sorry. In response to Ms. Sherman  
24 telling you about double billing, did you tell  
25 Ms. Sherman, they will never know?



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1 MR. SPARKS: Assert.

2 THE WITNESS: On advice of counsel, I  
3 assert my Fifth Amendment privilege.

4 Q. (By Mr. Woodruff) Did you ever tell  
5 Ms. Sherman that she was too much by the book?

6 MR. SPARKS: Assert.

7 THE WITNESS: On advice of counsel, I  
8 assert my Fifth Amendment privilege.

9 Q. (By Mr. Woodruff) Did you ever tell  
10 Ms. Sherman that she had previously fired -- you  
11 had previously fired an employee for not doing as  
12 he was told at Florida State?

13 MR. SPARKS: Assert.

14 THE WITNESS: On advice of counsel, I  
15 assert my Fifth Amendment privilege.

16 Q. (By Mr. Woodruff) Did you -- during the  
17 time you were at ICC, other than the performance  
18 evaluation you gave to Ms. Sherman in 2019, did  
19 you give any other employee under you a -- a  
20 performance evaluation?

21 MR. SPARKS: Assert.

22 THE WITNESS: On advice of counsel, I  
23 assert my Fifth Amendment privilege.

24 Q. (By Mr. Woodruff) Did you ask  
25 Ms. Sherman to see if she can get a 25 -- \$250,000

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1 investment from her husband for a microbrewery you  
2 were trying to start?

3 MR. SPARKS: Assert.

4 THE WITNESS: On advice of counsel, I  
5 assert my Fifth Amendment privilege.

6 Q. (By Mr. Woodruff) Were you ever  
7 interviewed by the investigators from the State  
8 Auditor's office?

9 MR. SPARKS: Assert.

10 THE WITNESS: On advice of counsel, I  
11 assert my Fifth Amendment privilege.

12 Q. (By Mr. Woodruff) Were you aware that  
13 Emily Lawrence told the investigator that she had  
14 been instructed to falsify documentation in an  
15 attempt to hide certain information from them?

16 MR. SPARKS: Assert.

17 THE WITNESS: On advice of counsel, I  
18 assert my Fifth Amendment privilege.

19 Q. (By Mr. Woodruff) Were you aware that  
20 Emily Lawrence was terminated shortly after she  
21 informed them of that?

22 MR. SPARKS: Assert.

23 THE WITNESS: On advice of counsel, I  
24 assert my Fifth Amendment privilege.

25 Q. (By Mr. Woodruff) Did you have any

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1 involvement in the termination of Emily Lawrence?

2 MR. SPARKS: Assert.

3 THE WITNESS: On advice of counsel, I  
4 assert my Fifth Amendment privilege.

5 Q. (By Mr. Woodruff) Did anyone assist you  
6 with the evaluation of Ms. Sherman that you issued  
7 her on March 9th, 2019?

8 MR. SPARKS: Assert.

9 THE WITNESS: On advice of counsel, I  
10 assert my Fifth Amendment privilege.

11 Q. (By Mr. Woodruff) Did anybody assist  
12 you in the evaluation you gave to Ms. Sherman in  
13 2019?

14 MR. SPARKS: Assert.

15 THE WITNESS: On advice of counsel, I  
16 assert my Fifth Amendment privilege.

17 Q. (By Mr. Woodruff) Have you ever read  
18 MCCB and ICC workforce policies and procedures?

19 MR. SPARKS: Assert.

20 THE WITNESS: On advice of counsel, I  
21 assert my Fifth Amendment privilege.

22 Q. (By Mr. Woodruff) Did you understand  
23 MCCB and ICC workforce policy and procedures?

24 MR. SPARKS: Assert.

25 THE WITNESS: On advice of counsel, I

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1       assert my Fifth Amendment privilege.

2           Q.     (By Mr. Woodruff) How many projects did  
3       you manage when you joined workforce development  
4       team in 2015?

5           MR. SPARKS: Assert.

6           THE WITNESS: On advice of counsel, I  
7       assert my Fifth Amendment privilege.

8           Q.     (By Mr. Woodruff) Can you name the  
9       projects that you managed once you came to work at  
10      ICC in 2015?

11          MR. SPARKS: Assert.

12          THE WITNESS: On advice of counsel, I  
13      assert my Fifth Amendment privilege.

14          Q.     (By Mr. Woodruff) How long did you  
15      manage those accounts that you -- if you managed  
16      any accounts, how long did you manage them?

17          MR. SPARKS: Assert.

18          THE WITNESS: On advice of counsel, I  
19      assert my Fifth Amendment privilege.

20          Q.     (By Mr. Woodruff) Did you change the  
21      format of the class role for Southern Motion  
22      allowing them to submit documentation without  
23      providing a start and end time for the classes?

24          MR. SPARKS: Assert.

25          THE WITNESS: On advice of counsel, I

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1       assert my Fifth Amendment privilege.

2           Q.     (By Mr. Woodruff) If you did that, why  
3       did you do that?

4           MR. SPARKS: Assert.

5           THE WITNESS: On advice of counsel, I  
6       assert my Fifth Amendment privilege.

7           Q.     (By Mr. Woodruff) Did Ms. Sherman  
8       advise you not to make that change?

9           MR. SPARKS: Assert.

10          THE WITNESS: On advice of counsel, I  
11       assert my Fifth Amendment privilege.

12          Q.     (By Mr. Woodruff) Did Ms. Sherman show  
13       you the MCCB policy that requires a start and end  
14       time to be listed?

15          MR. SPARKS: Assert.

16          THE WITNESS: On advice of counsel, I  
17       assert my Fifth Amendment privilege.

18          Q.     (By Mr. Woodruff) Were you aware that  
19       ICC food service program was fully funded by the  
20       federal government?

21          MR. SPARKS: Assert.

22          THE WITNESS: On advice of counsel, I  
23       assert my Fifth Amendment privilege.

24          Q.     (By Mr. Woodruff) Why did you seek  
25       additional reimbursement from this program using

Joe Lowder 5/3/2023

1 workforce state funds?

2 MR. SPARKS: Assert.

3 THE WITNESS: On advice of counsel, I  
4 assert Fifth Amendment privilege.

5 Q. (By Mr. Woodruff) After Ms. Sherman  
6 told Waters that ICC food program was fraud and  
7 money laundering, did you or her decide to not  
8 reimburse this program in Fiscal Year 2019?

9 MR. SPARKS: Assert.

10 THE WITNESS: On advice of counsel, I  
11 assert Fifth Amendment privilege.

12 Q. (By Mr. Woodruff) Did you ever  
13 recommend to charge individuals whatever they  
14 could pay for program design to provide training  
15 to Mississippi citizens in order to obtain an  
16 entry-level job?

17 MR. SPARKS: Assert.

18 THE WITNESS: On advice of counsel, I  
19 assert Fifth Amendment privilege.

20 Q. (By Mr. Woodruff) Did you make a  
21 statement to treat these programs as your own  
22 business and charge individuals whatever they  
23 could pay?

24 MR. SPARKS: Assert.

25 THE WITNESS: On advice of counsel, I

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1       assert my Fifth Amendment privilege.

2           Q.     (By Mr. Woodruff) Did you put  
3       individuals or participants in this program on a  
4       payment plan?

5           MR. SPARKS: Assert.

6           THE WITNESS: On advice of counsel, I  
7       assert Fifth Amendment privilege.

8           Q.     (By Mr. Woodruff) Were you aware that  
9       all of these programs were eligible from  
10      reimbursement from the state?

11          MR. SPARKS: Assert.

12          THE WITNESS: On advice of counsel, I  
13      assert Fifth Amendment privilege.

14          Q.     (By Mr. Woodruff) Did you admit to  
15      Nathan Mills that neither you or Waters knew what  
16      was or was not eligible for reimbursement from the  
17      workforce state funds?

18          MR. SPARKS: Assert.

19          THE WITNESS: On advice of counsel, I  
20      assert Fifth Amendment privilege.

21          Q.     (By Mr. Woodruff) Did Ashley  
22      Furniture's maintenance manager make a complaint  
23      to you about dealing with Ms. Waters?

24          MR. SPARKS: Assert.

25          THE WITNESS: On advice of counsel, I

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1 assert Fifth Amendment privilege.

2 Q. (By Mr. Woodruff) Did any other company  
3 complain about Ms. Waters?

4 A. On advice of counsel, I assert Fifth  
5 Amendment privilege.

6 Q. Did Tronox request Kelly McAnally to be  
7 their primary instructor and ask he -- ask that he  
8 replace Ms. Waters at their meeting training  
9 facility?

10 MR. SPARKS: Assert.

11 THE WITNESS: On advice of counsel, I  
12 assert Fifth Amendment privilege.

13 Q. (By Mr. Woodruff) Did you tell Tim  
14 Senter during Ms. Sherman's evaluation the goal  
15 was to increase prices slowly for companies to  
16 general revenue?

17 MR. SPARKS: Assert.

18 THE WITNESS: On advice of counsel, I  
19 assert Fifth Amendment privilege.

20 Q. (By Mr. Woodruff) Did you explain to  
21 Ms. Senter that you wanted to -- Mr. Senter that  
22 you wanted to see what the company paid in the  
23 past and use this information to create new prices  
24 to make a profit?

25 MR. SPARKS: Assert.



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1 THE WITNESS: On advice of counsel, I  
2 assert Fifth Amendment privilege.

3 Q. (By Mr. Woodruff) Did you assign  
4 pricing for workforce class using Google search  
5 comparing them with private training fees?

6 MR. SPARKS: Assert.

7 THE WITNESS: On advice of counsel, I  
8 assert Fifth Amendment privilege.

9 Q. (By Mr. Woodruff) Did you claim the  
10 project managers had a responsibility to know the  
11 training budget for each company?

12 MR. SPARKS: Assert.

13 THE WITNESS: On advice of counsel, I  
14 assert Fifth Amendment privilege.

15 Q. (By Mr. Woodruff) Did you assign the  
16 cost based on how much could be charged versus the  
17 actual cost of the training?

18 MR. SPARKS: Assert.

19 THE WITNESS: On advice of counsel, I  
20 assert Fifth Amendment privilege.

21 Q. (By Mr. Woodruff) Did you ever accuse  
22 Ms. Sherman of not following the departmental  
23 book?

24 MR. SPARKS: Assert.

25 THE WITNESS: On advice of counsel, I

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1 assert Fifth Amendment privilege.

2 Q. (By Mr. Woodruff) Was Ms. Sherman  
3 blocked from seeing workforce classes on her  
4 calendar?

5 MR. SPARKS: Assert.

6 THE WITNESS: On advice of counsel, I  
7 assert Fifth Amendment privilege.

8 Q. (By Mr. Woodruff) Did you ever have to  
9 change the settings more than once at her request  
10 to let her view the class schedule?

11 MR. SPARKS: Assert.

12 THE WITNESS: On advice of counsel, I  
13 assert Fifth Amendment privilege.

14 Q. (By Mr. Woodruff) Was Ms. Sherman a  
15 hard working project manager?

16 MR. SPARKS: Assert.

17 THE WITNESS: On advice of counsel, I  
18 assert Fifth Amendment privilege.

19 Q. (By Mr. Woodruff) Could you describe or  
20 could you state how many companies she represented  
21 and name her major projects and programs?

22 MR. SPARKS: Assert.

23 THE WITNESS: On advice of counsel, I  
24 assert Fifth Amendment privilege.

25 Q. (By Mr. Woodruff) Did you ever tell

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1 Ms. Sherman she was doing an excellent job?

2 MR. SPARKS: Assert.

3 THE WITNESS: On advice of counsel, I  
4 assert Fifth Amendment privilege.

5 Q. (By Mr. Woodruff) After Ms. Sherman was  
6 put on a performance improvement plan, did you  
7 take away the director accounts that you had given  
8 her when you first came to ICC?

9 MR. SPARKS: Assert.

10 THE WITNESS: On advice of counsel, I  
11 assert Fifth Amendment privilege.

12 Q. (By Mr. Woodruff) When you -- after you  
13 put Ms. Sherman on the performance improvement  
14 plan, did you take away the additional  
15 responsibility of MEP manager director?

16 MR. SPARKS: Assert.

17 THE WITNESS: On advice of counsel, I  
18 assert Fifth Amendment privilege.

19 Q. (By Mr. Woodruff) Were you aware that  
20 Ms. Sherman served around 80 companies in her job?

21 MR. SPARKS: Assert.

22 THE WITNESS: On advice of counsel, I  
23 assert Fifth Amendment privilege.

24 Q. (By Mr. Woodruff) Did you ever give  
25 Ms. Sherman any feedback after you gave her a

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1 negative evaluation in March 2019?

2 MR. SPARKS: Assert.

3 THE WITNESS: On advice of counsel, I  
4 assert Fifth Amendment privilege.

5 Q. (By Mr. Woodruff) Six months later --  
6 around six months later, you told her that she was  
7 improving in documentation. What did you base  
8 that decision on?

9 MR. SPARKS: Objection as to your  
10 testifying and asking him to --

11 MR. WOODRUFF: It says it right in the  
12 document.

13 MR. SPARKS: But I'm going to ask him to  
14 assert, regardless.

15 MR. WOODRUFF: Okay.

16 THE WITNESS: On advice of counsel, I  
17 assert my Fifth Amendment privilege.

18 Q. (By Mr. Woodruff) Did you inform  
19 Ms. Waters that you were placing Ms. Sherman on a  
20 PIP in March of 2019?

21 MR. SPARKS: Assert.

22 THE WITNESS: On advice of counsel, I  
23 assert Fifth Amendment privilege.

24 Q. (By Mr. Woodruff) Isn't it true that at  
25 the time you put Ms. Sherman on a PIP, Ms. Waters

Joe Lowder 5/3/2023

1       had already been her supervisor for about four or  
2       five months?

3                   MR. SPARKS:   Assert.

4                   THE WITNESS:  On advice of counsel, I  
5       assert Fifth Amendment privilege.

6           Q.     (By Mr. Woodruff)  Were you aware that  
7       Ms. Sherman administered the most projects  
8       annually for the workforce program?

9                   MR. SPARKS:   Assert.

10                  THE WITNESS:  On advice of counsel, I  
11       assert Fifth Amendment privilege.

12           Q.     (By Mr. Woodruff)  Were you aware that  
13       she brought in the largest amount of money in her  
14       capacity as a workforce management --

15                  MR. SPARKS:   Assert.

16           Q.     -- for the college?

17                  THE WITNESS:  On advice of counsel, I  
18       assert Fifth Amendment privilege.

19           Q.     (By Mr. Woodruff)  .  Are you aware that  
20       she was the longest serving project manager at the  
21       college when you put her on a PIP?

22                  MR. SPARKS:   Assert.

23                  THE WITNESS:  On advice of counsel, I  
24       assert Fifth Amendment privilege.

25           Q.     (By Mr. Woodruff)  Did you call

Joe Lowder 5/3/2023

1 Ms. Sherman the enemy of the college after she  
2 wrote a letter to the State Auditor?

3 MR. SPARKS: Assert.

4 THE WITNESS: On advice of counsel, I  
5 assert Fifth Amendment privilege.

6 MR. WOODRUFF: Yeah, let me go off the  
7 record so I can talk to Ms. Sherman. Let me see  
8 if I can figure out how to mute myself. I think I  
9 can.

10 (Off the record.)

11 MR. SPARKS: Okay. Proceed.

12 MR. WOODRUFF: Yes, sir.

13 Q. (By Mr. Woodruff) My first thing is, I  
14 just want to clean up the record. I think I  
15 misspoke a few times and I said, "the PIP" and/or  
16 "the performance was in May of 2019," and it was  
17 in March of 2019. I just want to correct the  
18 record for that. And I just have a couple of more  
19 questions.

20 Were you indicted by a grand jury around  
21 November of 2021?

22 MR. SPARKS: Assert.

23 THE WITNESS: On advice of counsel, I  
24 assert Fifth Amendment privilege.

25 Q. (By Mr. Woodruff) Have you gone to

Joe Lowder 5/3/2023

1 trial concerning that indictment yet?

2 MR. SPARKS: Assert.

3 THE WITNESS: On advice of counsel, I  
4 assert Fifth Amendment privilege.

5 Q. (By Mr. Woodruff) That's all the  
6 questions I have.

7 MR. SPARKS: Ben?

8 MR. GRIFFITH: No questions.

9 EXAMINATION BY MR. SPARKS:

10 Q. Very briefly, Dr. Lowder. When you  
11 arrived at ICC, what was your title?

12 A. It was director of workforce innovation,  
13 or something like that.

14 Q. Who made you aware of that job?

15 A. Ms. Tatiana Sherman.

16 Q. Who was your immediate supervisor upon  
17 your arrival?

18 A. Dr. David Cole.

19 Q. Was he in charge of workforce?

20 A. Yes, sir.

21 Q. When did he leave?

22 A. It was like seven or eight months after  
23 I started, so maybe mid-2016. Mid to late 2016,  
24 maybe.

25 Q. And when he left, who replaced him? Who

Joe Lowder 5/3/2023

1       took his role?

2               A.     I did.

3               MR. SPARKS:   That's all I have.

4               MR. WOODRUFF:  All right.  I think we're  
5       done.

6

7                       (Time Noted:  12:46 p.m.)

8                       SIGNATURE/NOT WAIVED

9

10       ORIGINAL:  MR. WOODRUFF, ESQ.

11       COPY:  MR. SPARKS, ESQ.

12       COPY:  MR. GRIFFITH, ESQ.

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Joe Lowder 5/3/2023

## 1 CERTIFICATE OF DEPONENT

2 DEPONENT: JOE LOWDER

3 DATE: May 3, 2023

4 CASE STYLE: TATIANA (TANYA) SHERMAN vs. ITAWAMBA  
COMMUNITY COLLEGE, JOE LOWDER, TZER NAN WATERS, AND  
DR. JAY ALLEN

5 ORIGINAL TO: MR. WOODRUFF, ESQ.

6 I, the above-named deponent in the  
deposition taken in the herein styled and numbered  
cause, certify that I have examined the deposition  
taken on the date above as to the correctness  
thereof, and that after reading said pages, I find  
them to contain a full and true transcript of the  
testimony as given by me.7 Subject to those corrections listed below,  
8 if any, I find the transcript to be the correct  
testimony I gave at the aforestated time and place.

| 10 | Page  | Line  | Comments |
|----|-------|-------|----------|
| 11 | _____ | _____ | _____    |
| 12 | _____ | _____ | _____    |
| 13 | _____ | _____ | _____    |
| 14 | _____ | _____ | _____    |
| 15 | _____ | _____ | _____    |
| 16 | _____ | _____ | _____    |
| 17 | _____ | _____ | _____    |

18 This the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

19 \_\_\_\_\_  
JOE LOWDER20 State of Mississippi  
County of \_\_\_\_\_21  
22 Subscribed and sworn to before me, this the  
\_\_\_\_\_ day of \_\_\_\_\_, 2023.

23 My Commission Expires:

24 \_\_\_\_\_  
25 Notary Public

Joe Lowder 5/3/2023

## 1 CERTIFICATE OF COURT REPORTER

2 I, Robin G. Burwell, Court Reporter and  
3 Notary Public, in and for the State of Mississippi,  
4 hereby certify that the foregoing contains a true  
5 and correct transcript of the testimony of JOE  
6 LOWDER, as taken by me in the aforementioned matter  
7 at the time and place heretofore stated, as taken by  
8 stenotype and later reduced to typewritten form  
9 under my supervision by means of computer-aided  
10 transcription.

11 I further certify that under the authority  
12 vested in me by the State of Mississippi that the  
13 witness was placed under oath by me to truthfully  
14 answer all questions in the matter.

15 I further certify that, to the best of my  
16 knowledge, I am not in the employ of or related to  
17 any party in this matter and have no interest,  
18 monetary or otherwise, in the final outcome of this  
19 matter.

20 Witness my signature and seal this the 9th  
21 day of May, 2023.

22   
23

24 ROBIN G. BURWELL, #1651  
25 CRR, RPR, CCR

My Commission Expires:  
25 April 6, 2025